

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 10, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 3, 2002.

Approval of the minutes for the Board of Commissioners meeting held on December 3, 2002 were held at the request of Commissioner Stevens.

- 2) **PUBLIC COMMENT:**

Bob Valentine, 2660 Park Avenue, appeared and expressed his concerns regarding the Lancaster County Agricultural Society and the Lancaster Event Center.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, December 10, 2002.

MOTION: Heier moved and Campbell seconded approval of all claims through December 10, 2002. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Issuance of Hospital Revenue Bonds, Series 2003 (BryanLGH Medical Center Project) by Hospital Authority Number 1 of Lancaster County, Nebraska, in an amount not to exceed \$45,000,000 for the benefit of BryanLGH Medical Center.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the issuance of Hospital Revenue Bonds.

Lauren Wismer, attorney with Gilmore & Bell, appeared and distributed documentation describing the project (Exhibit 1). Wismer also gave a brief explanation regarding the revenue bonds and noted that they would be used for the acquisition of equipment and remodeling on both campuses of BryanLGH Medical Center.

Jennifer Lesoing-Lues, BryanLGH Medical Center, was also present to answer any questions pertaining to the bonds.

The Chair asked if anyone else wished to testify in opposition.

No one appeared and the hearing was closed.

B. An application for Corporate Manager for Jeffrey J. Mann and a Class B (Beer Off Sale Only) liquor license for MMG Properties, LLC d/b/a The C-Station #103 (formerly known as Big Daddy's Stop) located at 8805 Highway 6 in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor.

The Clerk administered the oath to Jeffrey Mann, applicant.

In response to a question asked by Stevens, Mann explained that the criminal offense was related to having an insufficient number of life preservers in a canoe in 1987.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify regarding the applications.

No one appeared and the hearing was recessed for one week to allow for any additional testimony.

5) **OLD BUSINESS:**

Old Business items 5A and 5B were heard together.

A. An application for Community Development Block Grant (CDBG) economic development funds through the Nebraska Department of Economic Development for Archer Daniels Midland (ADM) rail tracks to enable ADM to compete effectively with the rest of the industry. The CDBG funds in the amount of \$500,000 will be loaned to ADM with ADM contributing \$2,500,000. Approval of a related memorandum of understanding for the CDBG grant fund loan to ADM between the Nebraska Department of Economic Development, ADM and Lancaster County. ADM will create 15 jobs which must be maintained for 36 months. (C-02-0576 and C-02-0578)

B. Promissory note and loan agreement with Archer Daniels Midland (ADM) for a \$500,000 loan made by the County to Archer Daniels Midland. ADM will create jobs in the County and should it default the loan will be repaid in 60 monthly payments with a six percent interest rate. (C-02-0577 and C-02-0579)

David Johnson, Deputy County Attorney, noted a change in Section 6.031 (Default Remedies) of the Memorandum of Understanding which strikes the following language: "the County and of". He requested that the Chair initial the stricken verbiage, as well as the State of Nebraska, Department of Economic Development.

Troy Gagner, Economic Development Coordinator, appeared and explained that the first two documents relate to the application for the block grant funds and the obligations of ADM, the County and the State. The second set of documents, he stated, is the promissory note and loan agreement.

Gagner added that the County would receive \$505,000. The extra \$5,000 would be for the County's administration of the grant.

5) **OLD BUSINESS CONTINUED:**

MOTION: Campbell moved and Stevens seconded approval of an application for Community Development Block Grant (CDBG) economic development funds through the Nebraska Department of Economic Development for Archer Daniels Midland (ADM) rail tracks to enable ADM to compete effectively with the rest of the industry and approval of a related memorandum of understanding for the CDBG grant fund loan to ADM between the Nebraska Department of Economic Development, ADM and Lancaster County, subject to the Chair and the State of Nebraska, Department of Economic Development initialing a change in Section 6.031 (Default Remedies) on page five of the Memorandum of Understanding striking the following verbiage "the County and of". Stevens, Workman, Campbell and Heier voted aye. Motion carried.

MOTION: Heier moved and Campbell seconded approval of a promissory note and loan agreement with Archer Daniels Midland (ADM) for a \$500,000 loan made by the County to Archer Daniels Midland. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

6) **NEW BUSINESS:**

A. Update regarding the inoperative Lektriever filing system located in the Clerk of the District Court's Office.

Vince Mejer, Purchasing Agent, appeared and distributed documentation relating to the replacement of the filing system in the Clerk of the District Court's Office (Exhibit 2). He explained that after speaking with two vendors, he found that Professional Office Systems has three used power files for \$21,000. Mejer stated the floor loads are capable of handling the weight and recommended that the County enter into a contract with Professional Office Systems for the three used power files.

MOTION: Campbell moved and Stevens seconded to accept the Purchasing Agent's recommendation and enter into a contract with Professional Office Systems for three used Lektriever power files, in the amount of \$21,000. Campbell, Stevens, Workman and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- B. A grant contract with Lincoln Action Program for expenditure of funds received from the State of Nebraska, Department of Health and Human Services, Office of Refugee Resettlement as a result of the Federal Targeted Assistance Grant. Lincoln Action Program shall provide computer classes, child care and related transportation for 150 non-English speaking refugee families. The County shall pay up to \$18,436 for the services. The term of the agreement is October 1, 2002 to September 30, 2003. (C-02-0580)**

David Johnson, Deputy County Attorney, referred to Subsection 3, Line 4 and requested that "General Fund" be stricken and replaced with "Grant Fund". He also requested the Chair, as well as the Department of Health and Human Services, initial the change.

MOTION: Campbell moved and Stevens seconded approval of a grant contract with Lincoln Action Program for expenditure of funds received from the State of Nebraska, Department of Health and Human Services, Office of Refugee Resettlement as a result of the Federal Targeted Assistance Grant subject to the Chair and the Department of Health and Human Services initialing the change of "General Fund" to "Grant Fund" in Subsection 3, Line 4 of the contract. Heier, Workman, Stevens and Campbell voted aye. Motion carried.

- C. A grant contract with Lincoln Literacy Council for expenditure of funds received from the State of Nebraska, Department of Health and Human Services, Office of Refugee Resettlement as a result of the Federal Targeted Assistance Grant. Lincoln Literacy Council shall provide mentoring and language/employment skills for participants in the Refugee Women's Program. The County shall pay up to \$25,633 for the services. The term of the agreement is October 1, 2002 to September 30, 2003. (C-02-0581)**

MOTION: Campbell moved and Stevens seconded approval of a grant contract with Lincoln Literacy Council for expenditure of funds received from the State of Nebraska, Department of Health and Human Services, Office of Refugee Resettlement as a result of the Federal Targeted Assistance Grant subject to the Chair and the Department of Health and Human Services initialing the change of "General Fund" to "Grant Fund" in Subsection 3, Line 4 of the contract. Stevens, Heier, Workman and Campbell voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

D. A contract amendment to Contract Number 6771 with the State of Nebraska, Department of Health and Human Services Systems to amend the term of the agreement to a one year period from October 1, 2002 to September 30 2003, for subcontracting with Leadership Lincoln, Southeast Community College, Lincoln Literacy Council, Lincoln Action Program and Catholic Social Services and to amend the payment up to \$290,679. The original contract was for a program called "Beyond Employment" which is a Targeted Assistance Grant to the County which is in its seventh year. (C-02-0582)

MOTION: Campbell moved and Stevens seconded approval of a contract amendment to Contract Number 6771 with the State of Nebraska, Department of Health and Human Services Systems to amend the term of the agreement to a one year period from October 1, 2002 to September 30 2003, for subcontracting with Leadership Lincoln, Southeast Community College, Lincoln Literacy Council, Lincoln Action Program and Catholic Social Services and to amend the payment up to \$290,679. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

E. Utility Permit 632 for the City of Lincoln, Lincoln Water System, to permit their contractor to install a 30 inch water line and a 16 inch water line between Coddington Avenue and Park Boulevard in right-of-way on West Van Dorn Street. (C-02-0583)

MOTION: Heier moved and Campbell seconded approval of Utility Permit 632 for the City of Lincoln, Lincoln Water System, to permit their contractor to install a 30 inch water line and a 16 inch water line between Coddington Avenue and Park Boulevard in right-of-way on West Van Dorn Street. Workman, Heier, Campbell and Stevens voted aye. Motion carried.

F. Agreements with Maplewood Counseling Associates, Inc., Southpointe Family Resource Center, P.C. and the Child Guidance Center for the provision of community based residential and non-residential evaluations for youth in the Eastern Service Area as ordered by the courts. The term of each agreement is August 1, 2002 to July 31, 2003. The County shall pay up to \$1,096.58 per evaluation. (C-02-0584, C-02-0585 and C-02-0586)

6) **NEW BUSINESS CONTINUED:**

MOTION: Campbell moved and Heier seconded approval of agreements with Maplewood Counseling Associates, Inc., Southpointe Family Resource Center, P.C. and the Child Guidance Center for the provision of community based residential and non-residential evaluations for youth in the Eastern Service Area as ordered by the courts. The term of each agreement is August 1, 2002 to July 31, 2003. The County shall pay up to \$1,096.58 per evaluation. Campbell, Heier, Stevens and Workman voted aye. Motion carried.

G. Execution of deed for County property legally described as Lot 111, Irregular Tract located in the southwest quarter of Section 35, Township 10 North, Range 6 East of the 6th Prime Meridian, Lincoln, Lancaster County, Nebraska in exchange of properties owned by B & J Partnership, LTD., located at 902 "K" Street and 400 South 9th Street. (C-02-0587)

MOTION: Heier moved and Stevens seconded approval of the execution of a deed for County property legally described as Lot 111, Irregular Tract located in the southwest quarter of Section 35, Township 10 North, Range 6 East of the 6th Prime Meridian, Lincoln, Lancaster County, Nebraska in exchange of properties owned by B & J Partnership, LTD., located at 902 "K" Street and 400 South 9th Street. Campbell, Stevens, Heier and Workman voted aye. Motion carried.

H. Designation of the following official newspaper(s) for Lancaster County for 2003 in relation to publication of transportation projects:

- ▶ Crete News
- ▶ Lincoln Journal Star
- ▶ The News (Waverly)
- ▶ The Seward Independent
- ▶ Voice (Hickman)

MOTION: Campbell moved and Heier seconded approval of the designation of the following official newspaper(s) for Lancaster County for 2003 in relation to publication of transportation projects: Crete News, Lincoln Journal Star, The News (Waverly), The Seward Independent and the Voice (Hickman). Campbell, Heier, Workman and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. A resolution approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska not to exceed \$45,000,000 of its Hospital Revenue Bonds, Series 2002 (BryanLGH Medical Center Project) solely for purposes of Section 146(f) of the Internal Revenue Code of 1986, as amended; and related matters. (R-02-0151)

MOTION: Campbell moved and Heier seconded approval of Resolution 02-0151 as amended. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for November, 2002.
2. Financial Statements and Independent Auditor's Reports for the years ended June 30, 2002 and 2001 for the Lancaster County Veterans' Aid Fund.
3. Financial Statements and Independent Auditor's Reports for the year ended June 30, 2002 for the Lancaster County Community Mental Health Center.

B. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan:

- ▶ Tammy Egbarts, an employee with Lancaster Manor
- ▶ Matthew J. Vincentini, an employee with the Corrections Department

C. A resolution authorizing the installation of a 55 miles per hour speed limit sign on Saltillo Road west of Highway 77 for westbound traffic due to the completion of paving on Saltillo Road. (R-02-0150)

MOTION: Campbell moved and Stevens seconded approval of the Consent Items. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Campbell seconded adjournment of the Board of Commissioners meeting at 2: 26 p.m. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 10, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting convened at 2:26 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 3, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Campbell seconded approval of the minutes of the Board of Equalization meeting dated December 3, 2002. Campbell, Workman and Heier voted aye. Stevens voted no. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

St. Patrick's Catholic Church

MOTION: Heier moved and Stevens seconded approval of a motor vehicle tax exemption for St. Patrick's Catholic Church. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Stevens moved and Campbell seconded adjournment of the Board of Equalization meeting at 2:27 p.m. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk